

MR3043-3

Appl. No. 10/092,596

Amendment dated 24 December 2003

Responsive to Office Action dated 11 September 2003

### **REMARKS/ARGUMENTS**

This case has been carefully reviewed and analyzed in view of the Official Action dated 11 September 2003. Responsive to the rejections made in the Official Action, Claims 1, 10, 11, and 12 have been amended to clarify the language thereof and the combination of elements which form the invention of the subject Patent Application.

In the Official Action, the Examiner rejected Claims 1-12 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the Specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the Application was filed, had possession of the claimed invention. The Examiner stated it was unclear what was meant by stating and claiming that the identification portion is so positioned to “mate” with the operation direction of the ratchet wheel.

Claim 1 has been amended to remove the terminology which was unclear. The unclear terminology was the result of a translational error resulting from use of the archaic meaning of the word “mate,” to match. Applicant was intending to state that the identification portion corresponded to, or was matched to, the rotational direction of the wrench. In order to better convey this meaning, both the Claims and Specification have been amended. Additionally, several other minor errors in the Specification have been corrected by this Amendment. No new matter has been added by these changes. With

respect to the Claims, it is now believed that the Claims are sufficiently described in the Specification in such a way for one skilled in the art to make and/or use the invention.

In the Official Action, the Examiner rejected Claims 1-12 under 35 U.S.C. § 103, as being unpatentable over Groves, U.S. Patent #1,748,218. The Examiner stated that the reference disclosed an identification portion of the tactile type in the form of directional knurling. The Examiner concluded that utilizing other well-known types of tactile formations would be an obvious matter of choice.

It is respectfully submitted that the Groves reference discloses a ratcheting type wrench wherein the head 11 carries a pair of washers 23 and 26 on opposing sides thereof, each with a respective knurl 24, 27 having an arrow-like contour that designates the direction that the wrench will drive a nut. The knurl 24, 27 is visible to the eye of the operator and useful in aiding the user to use finger pressure to resist any backward rotation of the wrench. Nowhere does the reference disclose or suggest that the knurl provides tactile information to the user. A closely spaced knurl, as shown in the Drawings, would be very difficult for a user to discern tactile information therefrom. Even if a user could tactilely determine the rotational direction of the wrench, such would require the user to hold the wrench in one hand while using the other hand to contact the knurl.

In contradistinction, the invention of the subject Patent Application provides an identification portion that is mounted on the handle on at least one of the side edges and

the side end faces spaced from the socket end of the wrench. By that arrangement, a user immediately is able to discern the rotational direction of the wrench. The tactile identification provided by the invention of the subject Patent Application on the side edges and the side end faces of the handle, spaced from the socket end of the wrench, becomes immediately apparent to a user who picks up the tool, allowing the tool to be efficiently utilized, without wasting time visualizing the identification or utilizing more than one hand to accomplish the task.

Thus, the reference neither discloses nor suggests the use of any tactile identification for indicating the rotational direction of the wrench and further fails to disclose or suggest the use of any tactile identification located on the elongated handle of the wrench, so that the rotational direction is immediately apparent to a user of the tool. Therefore, the Groves reference cannot make obvious the invention of the subject Patent Application, as now claimed.

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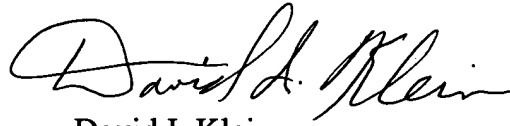
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It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

FOR: ROSENBERG KLEIN & LEE

A handwritten signature in cursive script, reading "David I. Klein".

David I. Klein

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